

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESMOND GIRARD WALTERS,

Plaintiff,

Civil Action No. 13-CV-11989

vs.

HON. BERNARD A. FRIEDMAN

STATE OF MICHIGAN,
DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS,
RAE RAMSDELL, DIRECTOR BHP,

Defendants.

ORDER OF DISMISSAL

This is a *pro se* complaint that is practically identical to an earlier complaint filed by plaintiff, *see Walters v. Board of Counseling, et al.*, 09-CV-13294 (E.D. Mich.), which this Court dismissed in November 2009. As in the earlier case, plaintiff is suing a state agency for denying his applications to be licensed as a professional counselor and social worker. The Court dismissed plaintiff's complaint in the earlier case under the Rooker-Feldman doctrine because relief could not be granted without invalidating a state circuit court decision that upheld the denial of plaintiff's licensing applications. The difference between the earlier case and the instant case, according to plaintiff, is that "since that time, we have a new Governor and as a result, the Public Entity has a new name and new Director, therefore this is a new Case, technically that is, in strict interpretation." Compl. p. 2.

Plaintiff is mistaken. The mere fact that "we have a new Governor" and that the name of the state licensing agency has changed does not make this case any different from 09-13294. Plaintiff's avenue of redress (which he did not pursue) was to appeal this Court's order of

dismissal in the earlier action, not to refile the complaint. The instant action has no more merit than the last one and, in addition, is barred by the doctrine of res judicata. When, as here, plaintiff's claims are clearly "frivolous, devoid of merit [and] no longer open to discussion," sua sponte dismissal for lack of subject matter jurisdiction is appropriate. *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Accordingly,

IT IS ORDERED that the complaint in this matter is dismissed for lack of subject matter jurisdiction.

s/ Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: May 20, 2013
Detroit, Michigan